

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 3/4/2016-----X  
BIRCH SHIPPING LTD., :

Plaintiff, :

-----X  
14-CV-9282 (VEC)-----X  
-against- :O.W. BUNKER CHINA LTD. (HK), O.W.  
BUNKER USA INC., O.W. BUNKER NORTH  
AMERICA INC., O.W. BUNKER HOLDING  
NORTH AMERICA INC., O.W. BUNKER &  
TRADING A/S, CHEMOIL LATIN AMERICA,  
INC., ING BANK N.V., :

Defendants. :

-----X  
CLEARLAKE SHIPPING PTE LTD, :

Plaintiff, :

-----X  
14-CV-9287 (VEC)-----X  
-against- :O.W. BUNKER (SWITZERLAND) SA, O.W.  
BUNKER USA INC., O.W. BUNKER NORTH  
AMERICA INC., O.W. BUNKER HOLDING  
NORTH AMERICA INC., NUSTAR ENERGY  
SERVICES INC., ING BANK N.V., :

Defendants. :

-----X  
BONNY GAS TRANSPORT LIMITED, as owner  
of the LNG FINIMA (IMO No. 7702401), :

Plaintiff, :

-----X  
14-CV-9542 (VEC)-----X  
-against- :O.W. BUNKER GERMANY GMBH, NUSTAR  
TERMINALS MARINE SERVICES N.V.,  
NUSTAR ENERGY SERVICES, INC., ING  
BANK N.V., :

Defendants. :

-----X

	X
SHV GAS SUPPLY & RISK MANAGEMENT	:
SAS AND EXMAR SHIPPING BVBA,	:
as owner of the WAREGEM (IMO No. 9659127),	:
	:
Plaintiffs,	:
	:
-against-	14-CV-9720 (VEC)
	:
O.W. BUNKER USA, INC., O.W. BUNKER	:
HOLDING NORTH AMERICA INC., O.W.	:
BUNKER NORTH AMERICA INC., NUSTAR	:
ENERGY SERVICES, INC., ING BANK N.V.,	:
	:
Defendants.	:
	X
HAPAG-LLOYD AKTIENGESELLSCHAFT,	:
	:
Plaintiff,	:
	:
-against-	14-CV-9949 (VEC)
	:
U.S. OIL TRADING L.L.C., O.W. BUNKER	:
GERMANY GMBH, O.W. BUNKER &	:
TRADING A/S, ING BANK N.V., CREDIT	:
AGRICOLE S.A.,	:
	:
Defendants.	:
	X
OSG SHIP MANAGEMENT, INC., and 1372	:
TANKER CORPORATION as owner of the M/V	:
OVERSEAS MULAN (IMO NO. 9230880),	:
	:
Plaintiffs,	:
	:
-against-	14-CV-9973 (VEC)
	:
O.W. BUNKER USA INC., O.W. BUNKER	:
MIDDLE EAST DMCC, CHEMOIL	:
CORPORATION, CHEMOIL MIDDLE EAST	:
DMCC, GPS CHEMOIL LLC FZC, ING BANK	:
N.V.,	:
	:
Defendants.	:
	X

-----X  
HAPAG-LLOYD AKTIENGESELLSCHAFT, :  
: Plaintiff, :  
: -against- :  
: : 14-CV-10027 (VEC)  
O'ROURKE MARINE SERVICES L.P., L.L.P., :  
O.W. BUNKER GERMANY GMBH, O.W. :  
BUNKER USA, INC., ING BANK N.V., :  
: Defendants. :  
: : X  
NYK BULK & PROJECT CARRIERS LTD., :  
individually and on behalf of M/V OCEAN :  
FRIEND (IMO No. 9401829), :  
: Plaintiff, :  
: -against- :  
: : 14-CV-10090 (VEC)  
O.W. BUNKER USA INC., NUSTAR ENERGY :  
SERVICES, INC., HARLEY MARINE GULF, :  
INC., ING BANK N.V., :  
: Defendants. :  
: : X  
NIPPON KAISHA LINE LIMITED, individually :  
and on behalf of M/V RIGEL LEADER (IMO :  
No.9604940), :  
: Plaintiff, :  
: -against- :  
: : 14-CV-10091 (VEC)  
O.W. BUNKER USA INC., NUSTAR ENERGY :  
SERVICES, INC., KIRBY INLAND MARINE LP, :  
ING BANK N.V., :  
: Defendants. :  
: : X

----- X  
: CANPOTEX SHIPPING SERVICES LIMITED, :  
individually and on behalf of M/V GLOBAL :  
PHOENIX (IMO No. 9565053), M/V CMB :  
GIULIA (IMO No. 9588419), and M/V ASTON :  
TRADER II (IMO No. 9392731), :  
:  
Plaintiffs, :  
:  
-against- : 15-CV-1351 (VEC)  
:  
O.W. BUNKERS (UK) LIMITED, O.W. SUPPLY :  
& TRADING A/S, CHEVRON MARINE :  
PRODUCTS LLC, ING BANK N.V., :  
:  
Defendants. :  
:  
----- X  
:  
SK SHIPPING CO., LTD., and SK B&T PTE. :  
LTD., individually and on behalf of M/V AZURIT :  
(IMO No. 9551703), :  
:  
Plaintiffs, :  
:  
-against- : 15-CV-2141 (VEC)  
:  
NUSTAR ENERGY SERVICES, INC., O.W. :  
BUNKER MIDDLE EAST DMCC, O.W. :  
BUNKER USA INC., ING BANK N.V., :  
:  
Defendants. :  
:  
----- X

----- X  
U.S. OIL TRADING LLC, :  
Plaintiff, :  
-against- :  
M/V VIENNA EXPRESS, her tackle, boilers, :  
apparel, furniture, engines, appurtenances, etc., :  
*in rem*, and M/V SOFIA EXPRESS, her tackle, :  
boilers, apparel, furniture, engines, appurtenances, :  
etc., *in rem*, and HAPAG-LLOYD :  
AKTIENGESELLSCHAFT, *as claimant to the in* :  
*rem defendant M/V VIENNA EXPRESS*, :  
Defendants. :  
----- :  
HAPAG-LLOYD AKTIENGESELLSCHAFT, :  
as claimant to the *in rem* defendant M/V :  
VIENNA EXPRESS, :  
Counter-Claimant and Third-Party Plaintiff, :  
-against- :  
U.S. OIL TRADING LLC, :  
Counter-Defendant, and :  
O.W. BUNKER GERMANY GMBH, O.W. :  
BUNKER & TRADING A/S, ING BANK :  
N.V., CREDIT AGRICOLE CORPORATE :  
AND INVESTMENT BANK, a division or :  
arm of CREDIT AGRICOLE S.A., :  
Third-Party Defendants. :  
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ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS in its Decision dated February 24, 2016, the Second Circuit held that subject matter jurisdiction over the above-captioned action numbered 14-cv-9949 is proper, while remanding the action with instructions that the Court enter findings that “eliminate[] or retain[] the foreign scope of its injunction according to specific conclusions under the *China Trade* test”;

WHEREAS by Order dated February 25, 2016, the Court directed the parties in 14-cv-9949 to brief the foreign scope of the Court’s Restraining Order in that case; and

WHEREAS counsel for parties in the Non-Stayed Actions appeared before the Court for an omnibus status conference on March 3, 2016;

IT IS HEREBY ORDERED that:

1. By March 15, 2016, parties wishing to file a submission in favor of eliminating the foreign scope of the Restraining Order in 14-cv-9949 shall file one joint amici brief of no more than ten double-spaced pages articulating the basis for their position. By March 31, 2016, parties wishing to file a submission in favor of retaining the foreign scope of the Restraining Order in 14-cv-9949 shall file one joint amici brief of no more than ten double-spaced pages articulating the basis for their position.
2. The pending motions to seal the testimony of O.W. Bunker Germany’s corporate representative in the above-captioned case numbered 14-cv-9542 are GRANTED for the reasons stated on the record. The Clerk of Court is respectfully requested to close the open motions at dockets numbers 133 and 136 in 14-cv-9542.

3. By March 25, 2016, the parties in the above-captioned cases are directed to confer and file a joint submission proposing two, or if necessary three, test cases that shall proceed to summary judgment. The selected cases shall, to the extent possible, represent the “best case” for the fuel suppliers and the “best case” for ING and the O.W. Bunker entities in light of all the claims and defenses at issue in each of the respective cases. The March 25, 2016 submission shall also include the parties’ joint proposal for two test cases for briefing the Vessel Interests’ proposed discharge motions. The selected cases should reflect the “best case” for the Vessel Interests and the “best case” for the Defendants-Claimants. To the extent the parties wish to propose briefing deadlines for the anticipated summary judgment and discharge motions in the test cases, their joint submission should reflect those proposed deadlines as well. If the parties are unable to jointly agree on proposed test cases or briefing deadlines, then the parties’ March 25, 2016 submission shall reflect each separate proposal, and the Court will select test cases and deadlines on that basis.

**SO ORDERED.**

**Date: March 4, 2016**  
New York, New York

*Valerie Cap*  
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**VALERIE CAPRONI**  
United States District Judge